

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MAZEN Owydat, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:20-CV-388-NAB
)	
CITY OF ST. LOUIS, et al.,)	
)	
Defendants.)	

**ORDER GRANTING A STAY
OF CITY ENFORCEMENT PENDING LITIGATION**

This matter is before the Court on Plaintiff's Motion for Temporary Restraining Order. (Doc. 41.) Defendant filed an opposition. (Doc. 44.) A hearing was held on January 21, 2021, at which time the Court heard arguments on the motion. At the hearing, the parties also made oral motions with respect to relief in the alternative of a temporary restraining order. Based on the arguments and discussion held on the record, the parties jointly submitted terms for a stay of the City enforcement of its closure of Plaintiff's gas station and convenience store at 4126 West Florissant Avenue. The parties' proposed terms are as follows:

- 1.** Plaintiff may reopen its business immediately upon the execution of this Order, provided that Plaintiff continues to operate its business pursuant to its original Conditional Use Permit granted in 1998-99.
- 2.** Defendants, the City of St. Louis and its Board of Adjustment, directly or indirectly through their agents, employees or representatives are prohibited from any action to close the gas station and convenience store operated at 4126 West Florissant Avenue, St. Louis, MO 63115 until further order of this Court or as otherwise provided below.

3. This Order is being issued under the authority of Mo.Rev.Stat. Section 89.110, Section 536.120 and/or Section 536.150, as the Court will determine after the Parties brief the issues as to which statutory authorization for this stay of enforcement proceedings by Defendants is applicable.

4. By January 28, 2021, the parties shall submit to the Court a proposed briefing schedule regarding the questions identified in Paragraph 3 above, and also a proposed schedule to conduct any discovery that may be permitted by the Court after determining the appropriate statutory review mechanism and as allowed by Missouri law and a schedule for briefing and/or a hearing on the merits of the review of the administrative decision, depending on whether the Court determines such review should be based on Chapter 89 or Chapter 536 contested or non-contested review.

5. No bond shall be necessary to support this Stay.

6. This order shall take effect immediately and shall remain in effect until further Order of this Court.

7. This order shall be binding upon Plaintiff and Defendants and their agents, servants, employees, attorneys, and successors and upon those persons in active concert or participation with them and they are so bound thereby from and after the date this Order is served upon counsel for Plaintiff and Defendants.

The Court finds these terms to be appropriate and will enter the stay allowing Plaintiff to operate its gas station and convenience store at 4126 West Florissant Avenue until such time as the Court may conduct an evidentiary hearing and/or administrative review of Plaintiff's Complaint under Missouri law.

Accordingly,

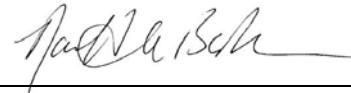
IT IS HEREBY ORDERED that Plaintiff's Motion for Temporary Restraining Order is **DENIED without prejudice.** (Doc. 41.)

IT IS FURTHER ORDERED that Plaintiff's oral motion for a stay is **GRANTED** pursuant to the terms submitted by the parties and included in this order.

IT IS FURTHER ORDERED Plaintiff may reopen its business immediately and shall continue to operate its business pursuant to its original Conditional Use Permit granted in 1998-99.

IT IS FURTHER ORDERED that Defendants, the City of St. Louis and its Board of Adjustment, and their agents, employees or representatives are prohibited from any action to close the gas station and convenience store operated at 4126 West Florissant Avenue, St. Louis, MO 63115 until further order of this Court or as otherwise provided herein.

IT IS FURTHER ORDERED that the parties shall jointly submit a proposed schedule as described herein no later than **January 28, 2021.**



NANNETTE A. BAKER
UNITED STATES MAGISTRATE JUDGE

Dated this 21st day of January, 2021.